

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

EDWIN VALENCIA,

Plaintiff,

v.

L. MACHADO, et al.,

Defendants.

No. 1:24-cv-00569-SAB (PC)

ORDER STRIKING UNSIGNED
COMPLAINT FROM THE RECORD

(ECF No. 1)

Plaintiff is proceeding pro se and in forma pauperis in this action filed pursuant to 42 U.S.C. § 1983.

Plaintiff filed the instant complaint on May 13, 2024. However, Plaintiff's complaint is not signed under penalty of perjury as required by the federal rules of civil procedure and local rules of this Court. Rule 11 of the Federal Rules of Civil Procedure requires every pleading to be signed by at least one attorney of record or by the filing party personally if the party is unrepresented. Fed. R. Civ. P. 11(a). Additionally, Local Rule 131(b) provides: "All pleadings and non-evidentiary documents shall be signed by the individual attorney for the party presenting them, or by the party involved if that party is appearing in propria persona." Local Rule 131(b). Because the complaint is not signed by Plaintiff, the Court must strike it from the record. Fed. R. Civ. 11(a).

Based on the foregoing, it is HEREBY ORDERED that:

1. Plaintiff's complaint filed on May 13, 2024 (ECF No. 1), is STRICKEN from the record for lack of signature;
2. The Clerk of Court shall send Plaintiff a blank amended prisoner civil rights complaint form;
3. Within thirty (30) days from the date of service of this order, Plaintiff shall file a new complaint which includes Plaintiff's original signature under penalty of perjury and is complete in itself without reference to any prior pleading (Local Rule 220); and
4. The failure to file a signed complaint will result in a recommendation for dismissal of the action.

IT IS SO ORDERED.

Dated: May 14, 2024

A handwritten signature in blue ink, appearing to read "J. A. Be", is written over a horizontal line.

UNITED STATES MAGISTRATE JUDGE